

WASHINGTON, March 4, 1889.

To Hon. Texas Senate, Austin, Tex.

Benjamin Harrison was inaugurated President at high noon to-day. This is a calamity to our people. For God's sake don't visit us with another in shape of railroad commission.

A FRIEND
of Texas.

After having publicly read their titles, the President gave notice of signing and did sign in open session of the Senate.

Substitute House bills Nos. 474 and 478, "An act extending for ten years the payment of the principal of the purchase money for lands purchased under the two acts of the Legislature herein named."

House bill 557, "An act supplemental to and amendatory of an act passed at the present session of the Twenty-first Legislature, approved February 15, 1889, entitled an act to designate what counties shall compose the Twenty-ninth judicial district of the State of Texas, and to fix the times of holding court therein, approved March 30, 1887."

Senator Morris spoke in opposition to the railway commission bill and Senator Maetze spoke in favor of it.

On motion of Senator Burney,

The Senate adjourned till 10 o'clock to-morrow morning.

FORTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN March 1, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Woodward,

The reading of the Journal of yesterday was dispensed with.

On motion of Senator Woodward, Senator Abercrombie was excused till next Monday on account of illness in his family.

On motion of Senator Ingram, A. J. Dorn, the Doorkeeper was excused for yesterday and to-day on account of important business.

PETITIONS AND MEMORIALS.

By Senator Jarvis:

Petition of citizens of Jack county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Atlee:

Petition of citizens of Nueces county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Seale:

Petition of eighteen citizens of Hardin county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

Petition of seventeen citizens of Tyler county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Meatz:

Petition of fifty citizens of Washington county, opposing a railroad commission.

Referred to the Committee on Internal Improvement.

By Senator Lane:

Petition of citizens of Paige, Bastrop county, to Senate and House of Representatives.

Referred to the Committee on Internal Improvements.

By Senator Woodward:

Memorial of the New York, Texas and Mexican railway company, praying for the issuance of certificates for four hundred and sixteen sections of land for the construction and equipment of twenty-six miles of their road prior to the act of April 1, 1882, repealing the law authorizing certificates to be issued to railroad companies.

Referred to Committee on Public Lands.

By Senator Stephens:

Petition of citizens of Archer county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

Petition of citizens of Montague county, asking the passage of a law to permit lands sold for taxes and bought in by the State to be redeemed by the owner by paying amount of taxes and interest thereon.

Referred to Committee on Public Lands.

Petition of citizens of Childress county, praying for the passage of the school land excess bill.

Referred to Committee on Public Lands.

By Senator McDonald:

Protest of five citizens of Fannin county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

Petition of forty-seven citizens of Fannin county, favoring a railroad commission.

Referred to Committee on Internal Improvements.

Petition of seventy-one citizens of Red River county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Kimbrough:

Petition of thirty citizens of Dallas opposing a railroad commission.

Referred to Committee on Internal Improvements.

Petition of merchants and citizens of Rockwall opposing a railroad commission.

Referred to Committee on Internal Improvements.

Petition of thirty citizens of Elmo, Kaufman county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

Petition of Armstrong & Evans, lumber dealers of Dallas and their employes, and one contractor, three carpenters and an East Dallas alderman, opposing a railroad commission.

Referred to Committee on internal Improvements.

Petition of citizens of Fate, Rockwall county, praying that reasonable maximum rates be established for freight charges on railroads.

Referred to Committee on Internal Improvements.

By Senator Ingram:

Petition of citizens of Nacogdoches county opposing a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Glasscock:

Petition of citizens of Burnet county favoring a railroad commission.

Referred to Committee on Internal Improvements.

Petition of citizens of Austin opposing a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Morris:

Petition of voters of Anderson county favoring a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Ingram:

Petition of citizens of Cherokee county favoring a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Burges:

Petition of citizens of Wilson county opposing a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Maetze:

Four petitions of citizens of Fort Bend county for separating Fort Bend county from the Twenty-third, and attaching the same to the Twenty-second judicial district.

Referred to Committee on Judicial Districts.

REPORT OF STANDING COMMITTEES.

By Senator Stephens:

COMMITTEE ROOM,
AUSTIN, March 4, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 127, being "An act to require butchers and slaughterers of cattle to give a bond, and to prescribe a punishment for violating the conditions of the same, and to prevent the unlawful slaughtering and selling cattle,"

And find the same correctly engrossed.

STEPHENS,
Acting Chairman.

COMMITTEE ROOM,
AUSTIN, March 4, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 252, being "An act supplemental to an act for the relief of Erastus Smith, approved November 11, 1836,"

And find the same correctly engrossed.

STEPHENS,
Acting Chairman.

BILLS AND RESOLUTIONS.

By Senator Burney:

A bill to be entitled "An act to regulate the time and place of all sales made by judicial process."

Referred to Judiciary Committee No. 1.

By Senator Ingram:

A bill to be entitled "An act for relief of J. W. Norford."

Referred to Committee on Claims and Accounts.

By Senator Maetze:

A bill to be entitled "An act to amend sections 22 and 23 of chapter 67, of an act to redistrict the State into judicial districts and to fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883."

Referred to Judiciary Committee No. 1.

After having publicly read its caption, the President gave notice of signing and did sign in open session of the Senate.

Senate bill No. 260, "An act to amend section 26, chapter 20 of the extra session of the Eighteenth Legislature, approved February 6, 1884, being an act to redistrict the State of Texas into judicial districts, and to fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said districts."

On motion of Senator Atlee the regular order of business was suspended to take up

House bill No. 36, a bill to be entitled "An act to amend section 46, chapter 25 of the acts of 1885, entitled an act to amend chapter 79 of the acts of 1883, entitled an act to amend chapter 48 of the acts of 1887, an act to amend section 46 of an act to encourage stock-raising, and to protect stock-raisers, approved April 22, 1879, and amended April 4, 1881, and April 12, 1883, and March 27, 1887. The bill was laid before the Senate and read the second time with a favorable committee report.

Senator Woodward moved to

Amend by striking out "DeWitt" in line 17, section 1 of the bill.

Adopted.

Senator Frank moved to

Amend section 1, page 2, line 24, by adding after the word "Harris" the following words: "Bosque, Erath, Hood, Somerville."

Adopted.

Senator Glasscock moved to

Amend by adding after the word "Liberty" in line 20, page 2, the fol-

lowing words: "And Travis county to have effect at the next general election."

Adopted.

Senator Atlee moved to add:

"Section 1. On page 2, line 20, of section 1, after the word 'Williamson,' insert 'Brewster, Cameron, El Paso, Encinal, Duval, Clay, Presidio, Webb, Mills,' and in same page, in line 2 of the proviso, after the words 'Red River,' insert 'and the counties of Nueces and Cameron,' and on page 3, at the end of line 7 and the beginning of line 8 of the proviso, strike out the words 'Rio Grande and,' and on page 3, in line 9, after the word 'counties,' insert 'except the counties of Nueces and Cameron;' and on page 3, in line 22, after the word 'Calhoun,' insert 'Cameron, Duval, Encinal, Webb, Zapata, Starr, Hidalgo.'"

Adopted.

Senator Claiborne offered the following amendment:

In line 8, page 2, strike out the words "and gulf coast."

Adopted.

Senator Stephens moved to

Amend by adding Clay county to section 1.

Adopted.

Senator Stephens moved to

Amend by striking out section 3.

Adopted.

Senator Glasscock moved to

Amend by inserting the word "Travis" after the word "Liberty" in line 24, page 3.

Adopted.

The bill passed to its third reading.

On motion of Senator Lane,

The constitutional rule was suspended to put the bill on its third reading and final passage by the following vote:

YEAS—26.

Allen,
Armistead,
Atlee,
Burges,
Burney,
Claiborne,
Cranford,
Davis,
Field,
Frank,
Glasscock,
Harrison,
Ingram,

Jarvis,
Johnson,
Kimbrough,
Lane,
Maetze,
McDonald,
Morris,
Pope,
Seale,
Simkins,
Stephens,
Upshaw,
Woodward.

NAYS—None.

ABSENT—2.

Townsend,

Tyler.

The bill was read the third time, and

Passed by the following vote:

YEAS—26.

Allen,	Johnson,
Armistead,	Kimbrough,
Atlee,	Lane,
Burges,	Maetze,
Burney,	McDonald,
Claiborne,	Morris,
Cranford,	Pope,
Field,	Seale,
Frank,	Simkins,
Glasscock,	Stephens,
Harrison,	Tyler,
Ingram,	Upshaw,
Jarvis,	Woodward.

NAYS—None.

ABSENT—2.

Davis, Townsend.

On motion of Senator Kimbrough, the Senate concurred in the House amendments to Senate bill No. 259, "An act to incorporate the city of Dallas and to grant it a new charter."

On motion of Senator Glasscock, the Senate concurred in the House amendments to Senate bill No. 11, "An act to amend article 1192 of the Revised Civil Statutes."

On motion of Senator Woodward, the Senate concurred in the House amendments to

Senate bill No. 31, a bill to be entitled "An act to authorize the Governor, when in his judgment the circumstances surrounding each case may warrant him in so doing, to restore to full citizenship, with the right of suffrage, any person who may have been convicted of a felony, and who may have served out his term in the penitentiary or have been pardoned."

Senate bill No. 84, a bill to be entitled "An act for the relief of William Evans for loss of schooner Josephine, incurred in the quarantine service of the State of Texas about the 18th of October, 1887,"

Was laid before the Senate, and

The Senate refused to pass the bill by the following vote:

YEAS—9.

Atlee,	Pope,
Field,	Stephens,
Harrison,	Upshaw,
Kimbrough,	Woodward.
Morris,	

NAYS—17.

Allen,	Jarvis,
Armistead,	Johnson,
Burges,	Lane,
Burney,	Maetze,
Claiborne,	McDonald,
Cranford,	Seale,
Frank,	Simkins,
Glasscock,	Tyler.
Ingram,	

ABSENT—2.

Davis, Townsend.

Senate bill No. 127, a bill to be entitled "An act to require butchers and slaughterers of cattle to give a bond, and to prescribe penalties for the violation of the conditions of the same, and to prevent unlawful slaughtering and selling cattle,"

Was laid before the Senate on its third reading.

Senator Upshaw moved to

Amend section 9, by adding Grayson and Cooke counties to those exempted from the operations of the act.

The amendment was adopted by the following vote:

YEAS—25.

Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Morris,
Cranford,	Pope,
Field,	Seale,
Frank,	Simkins,
Glasscock,	Stephens,
Harrison,	Tyler,
Ingram,	Upshaw,
Jarvis,	Woodward.
Johnson,	

NAYS—None.

ABSENT—3.

Claiborne, Townsend.
Davis,

Senator Atlee offered the following amendment:

Provided the provisions of this act shall not apply to any one of the counties of Cameron, Hidalgo, Starr, Zapata, Nueces, Duval, Webb, Encinal, La Salle, Dimmit, Frio, Zavalla, Uvalde, Kinney, Maverick and Val Verde.

Adopted by the following vote:

YEAS—25.

Allen,	Atlee,
Armistead,	Burges,

Burney,
Cranford,
Davis,
Field,
Frank,
Glasscock,
Harrison,
Ingram,
Jarvis,
Johnson,
Kimbrough,

Lane,
Maetze.
Morris,
Pope,
Seale,
Simkins,
Stephens,
Tyler,
Upshaw,
Woodward.

NAYS—None.

ABSENT—3.

Claiborne, Townsend.
McDonald,

The bill was read the third time and passed.

Senator Davis sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, March 5, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 260, being "An act to amend section 28, chapter 20, of the called session of the Eighteenth Legislature, being an act to redistrict the State of Texas into judicial districts and to fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts."

And find the same correctly enrolled, and have this day, at 10:45 o'clock a. m., presented the same to the Governor for his signature.

DAVIS,
Chairman.

On motion of Senator Simkins, The regular order of business was suspended to take up out of its order Senate bill No. 241, a bill to be entitled "An act to amend article 1389 of the Revised Statutes, by limiting the operation of said article to persons under disability."

The bill was laid before the Senate and

Read the second time,

With a favorable committee report.

Senator Lane offered the following amendment:

Whereas, the near approach of the close of the present session of the Legislature and the great amount of unfinished business before it creates an imperative public necessity that the constitutional rule, requiring bills to be read on three several days be suspended, and it is so enacted.

Adopted.

The bill as amended was ordered engrossed.

On motion of Senator Simkins,

The constitutional rule was suspended to put the bill on its third reading and final passage by the following vote:

YEAS—25.

Allen,
Armistead,
Atlee,
Burges,
Burney,
Cranford,
Davis,
Field,
Frank,
Glasscock,
Harrison,
Ingram,
Jarvis,

Johnson,
Kimbrough,
Lane,
Maetz,
Morris,
Pope,
Seale,
Simkins,
Stephens,
Tyler,
Upshaw,
Woodward.

NAYS—None.

ABSENT—3.

Claiborne, McDonald.
Townsend,

This bill was read the third time and passed.

On motion of Senator Tyler,

Committee substitute Senate bill No. 323, a bill to be entitled "An act to provide for the location of certain land certificates heretofore issued to indigent veterans and surviving soldiers of the Texas revolution and others, and the issuance of patents in such cases and other cases,"

Was made the special order next Thursday.

On motion of Senator Stephens,

Substitute Senate bill No. 167, a bill to be entitled "An act to provide for setting apart the excess in surveys of land made for railway or internal improvement or other purposes, and declaring the same to be a part of the public free school lands of the State, and to provide for setting apart the same for the use of public free schools of the State." was called up and laid before the Senate.

The bill was read the second time.

Senator Stephens moved to

Amend caption of bill so as to read as follows: "An act to provide for the ascertainment, distribution and sale of the excesses in surveys of land made for the school fund, and to validate surveys of land as herein provided."

Adopted.

The bill as amended was ordered engrossed.

On motion of Senator Stephens, the constitutional rule was suspended to place the bill on its third reading and final passage by the following vote:

YEAS—25.

Allen,	Johnson,
Armistead,	Kimbrough,
Atlee,	Lane,
Burges,	Maetze,
Burney,	Morris,
Claiborne,	Pope,
Cranford,	Seale,
Davis,	Simkins,
Field,	Stephens,
Frank,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.
Ingram,	

NAYS—None.

ABSENT—3.

Jarvis,	McDonald.
Sims,	

The bill was read the third time and passed by the following vote:

NAYS—23.

Allen,	Ingram,
Armistead,	Johnson,
Atlee,	Kimbrough,
Burges,	Maetze,
Burney,	Morris,
Claiborne,	Pope,
Cranford,	Seale,
Davis,	Simkins,
Field,	Stephens,
Frank,	Upshaw,
Glasscock,	Woodward.
Harrison,	

NAYS—1.

Lane.

ABSENT—4.

Jarvis,	Sims,
McDonald,	Tyler.

On motion of Senator Seale the regular order of business was suspended to take up

Senate bill No. 276, a bill to be entitled "An act to amend section 2 of an act entitled an act for the relief of Z. C. Collier, Thomas Collier and William Ramer, passed by the Nineteenth Legislature of the State of Texas."

The bill was laid before the Senate and read the second time with a favorable committee report.

Senator Seale spoke in favor of the bill.

The bill was ordered engrossed.

On motion of Senator Seale,

The constitutional rule was suspended to place the bill on its third reading and final passage by the following vote:

YEAS—26.

Allen,	Jarvis
Armistead,	Johnson,
Atlee,	Kimbrough,
Burges,	Lane,
Burney,	Maetze,
Claiborne,	Morris,
Cranford,	Pope,
Davis,	Seale,
Field,	Simkins,
Frank,	Stephens,
Glasscock,	Tyler,
Harrison,	Upshaw,
Ingram,	Woodward.

NAYS—None.

ABSENT—2.

McDonald,	Townsend.
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The bill was then read third time and

Passed by the following vote:

YEAS—23.

Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	Morris,
Burney,	Pope,
Claiborne,	Seale,
Cranford,	Simkins,
Davis,	Stephens,
Field,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.
Jarvis,	

NAYS—2.

Frank,	Johnson.
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ABSENT—3.

Ingram,	Townsend.
McDonald,	

On motion of Senator Pope,

The regular order of business was suspended to take up House bill No. 290, a bill to be entitled "An act to create and provide for the organization of the county of Irion."

The bill was laid before the Senate and read the second time.

Senator Burney moved to

Amend section 1 by striking out all after the words "as follows," in line 4,

and insert: "Beginning at a point on the south line of Tom Green county, due south of the northeast corner of survey No. 790, on Dove creek; thence north thirty miles; thence west to a point south of the southeast corner of Glasscock county; thence south thirty miles to the north line of Crockett and Schleicher counties; thence east to the place of beginning."

Adopted.

The bill as amended passed to its third reading.

On motion of Senator Pope the Constitutional rule was suspended to place the bill on its third reading and final passage by the following vote:

YEAS—22.

Allen,	Jarvis,
Armistead,	Johnson,
Atlee,	Kimbrough,
Burges,	Lane,
Burney,	Maetze,
Claiborne,	Morris,
Cranford,	Pope,
Davis,	Seale,
Field,	Stephens,
Frank,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.
Ingram,	

NAYS—None.

ABSENT—3.

McDonald,	Townsend,
Simkins,	

The bill was read the third time and passed by the following vote.

YEAS—25.

Allen,	Jarvis,
Armistead,	Johnson,
Atlee,	Kimbrough,
Burges,	Lane,
Burney,	Maetze,
Claiborne,	Morris,
Cranford,	Pope,
Davis,	Seale,
Field,	Stephens,
Frank,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.
Ingram,	

NAYS—None.

ABSENT—3.

McDonald,	Townsend.
Simkins,	

On motion of Senator Frank the regular order of business was sus-

pending to take up the special order, the railroad commission bill. The bill was laid before the Senate as unfinished business.

(Senator Davis in the chair.)

Senator Cranford made an argument in favor of a railroad commission and in favor of Senator Johnson's motion to substitute the House bill for the Senate bill.

Pending Senator Cranford's argument,

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 5, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to inform the Senate that the House has passed the following bills, to-wit:

Senate bill No. 102, entitled "An act to amend article 4434, title LXXXVII, chapter 5, of the Revised Civil Statutes of the State of Texas," with an amendment, and under a suspension of the constitutional rule and by a two-thirds vote, there being 80 yeas and 1 nay, and

House bill No. 560, being "An act to be entitled an act to diminish the civil jurisdiction of the county court of Travis county," under a suspension of the constitutional rule and by a two-thirds vote, yeas 71, nays 9; and

House bill 410, a bill to be entitled "An act to amend an act passed at the regular session of the Twentieth Legislature, and approved April 2, 1887, entitled an act to amend article 430 of section 1, and to repeal section 2 of an act entitled an act to amend articles 423, 424, 425, 426, 427, 428, 429, 430a, and to create article 426 1-2, and to repeal article 430, of chapter 5, title 13, of the Penal Code of the Revised Statutes, for the protection of fish and game, approved March 15, 1881,"

Under suspension of the constitutional rule and by a two-third vote, yeas, 86; nays, 1; and

House bill 342, a bill to be entitled "An act to restore the jurisdiction of the county courts of the counties of Greer and Donley, and to repeal all laws in conflict therewith,"

Under a suspension of the constitutional rule and by a two-third vote, yeas, 84; nays, none.

W. M. IMBODEN,
Chief Clerk House Representatives.

Senator Armistead obtained the floor to speak to the pending question, and

On motion of Senator McDonald the pending question was suspended till 2:30 p. m.

(President in the chair.)

Senator Pope sent up the following telegrams:

SHERMAN, Tex., March 5, 1889.

To J. W. Finley care of Hon. J. H. Tolbert, Austin:

The vote of Grayson county for Senator stands, for J. W. Finley 1847, for Frank Cleares 740.

J. T. CUNNINGHAM,
County Judge Grayson county.

GAINESVILLE, March 4, 1889.

Hon. J. W. Finley, Austin:

Your plurality in Cooke county for Senator is 401.

H. L. HOLDMAN,
County Judge Cooke county.

Senator Pope moved that Hon. J. W. Finley, Senator elect, to fill the unexpired term of Senator Douglass, resigned, be allowed to come to the Secretary's desk and take the oath of office.

Adopted.

The Senator-elect was escorted to the president's desk by Senator Pope, and

The oath of office was administered to him by the President.

By leave,
Senator McDonald sent up the following

COMMITTEE REPORT:

COMMITTEE ROOM,
AUSTIN, March 5, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 331, entitled "An act to amend sections 22 and 23 of chapter 67 of an act to redistrict the State into judicial districts, and to fix the time for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

McDONALD,
Chairman.

Bill read first time.

Senator Burges moved to adjourn till 2:30 p. m., and that Senator Armistead be allowed the floor when the Senate met.

Adopted.

The Senate adjourned till 2:30 p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

No quorum present.

Senator Davis moved a call of the Senate.

The roll was called and Senators Atlee and Claiborne were found to be absent.

The Sergeant-at-Arms was dispatched to bring in the absent Senators.

Senator Claiborne was announced at the door, and the President announced a quorum present.

On motion of Senator Davis, the call was suspended.

The President appointed Senator Finley on the following committees:

Judiciary No. 2, Constitutional Amendments, Internal Improvements, Finance, Penitentiaries, Asylums and Judicial Districts.

The President laid before the Senate the railroad commission bill as unfinished business and announced that Senator Armistead was entitled to the floor.

Senator Armistead yielded to Senator Burney.

On motion of Senator Burney,

Senate bill No. 252, a bill to be entitled "An act supplemental to an act for the relief of Erastus Smith, approved November 11, 1836," was laid before the Senate and read the third time.

Senator Lane moved to

Amend section 1 by adding the following: "Provided, that the certificates authorized to be issued to heirs of Alexander Farmer by an act of the Twentieth Legislature, approved April 2, 1887, may be located as is herein provided for location of the certificates by this bill authorized to be issued."

Senator Lane's amendment was adopted by the following vote:

YEAS—21.

Allen,	Johnson,
Armistead,	Kimbrough,
Burges,	Lane,
Burney,	McDonald,
Cranford,	Morris,
Davis,	Pope,
Field,	Seale,
Frank,	Stephens,
Harrison,	Tyler,
Ingram,	Woodward.
Jarvis,	

NAYS—4.

Finley,	Simkins,
Glasscock,	Upshaw.

ABSENT—4.

Atlee,	Maetze,
Claiborne,	Sims.

Senator Frank moved to Amend after the word "vacant" by inserting "and unappropriated." The amendment was lost by the following vote:

YEAS 15.

Allen,	Jarvis,
Cranford,	Kimbrough,
Davis,	Maetze,
Finley,	Pope,
Frank,	Seale,
Glasscock,	Simkins,
Harrison,	Upshaw,
Ingram,	

NAYS 11.

Armistead,	McDonald,
Burges,	Morris,
Burney,	Stephens,
Field,	Tyler,
Johnson,	Woodward.
Lane,	

ABSENT 3.

Atlee,	Townsend.
Claiborne,	

The bill as amended passed by the following vote:

YEAS—23.

Armistead,	Finley,
Atlee,	Glasscock,
Burges,	Harrison,
Burney,	Ingram,
Cranford,	Jarvis,
Davis,	Kimbrough,
Field,	Lane,

Maetze,	Stephens,
McDonald,	Tyler,
Morris,	Upshaw,
Pope,	Woodward.
Seale,	

NAYS—4.

Allen,	Johnson,
Frank,	Simkins.

ABSENT—2.

Claiborne,	Townsend.
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By leave, Senator Kimbrough sent up a letter of A. P. Davis and others of Dallas opposing the occupation tax.

Referred to Committee on Finance.

Senator Armistead resumed the floor and spoke at length in opposition to the railroad commission bill.

Pending Senator Armistead's argument,

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 5, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—The House has passed

Senate bill No. 24, entitled "An act to extend the time within which lands that have been sold for taxes and bought in by the State may be redeemed," with an amendment under a suspension of the constitutional rule and by a two-thirds vote—yeas 75; nays, 5, and

House bill No. 179, a bill to be entitled "An act to amend articles 4410 and 4413, and to add article 4429a, of the Revised Statutes of Texas, in relation to public roads," and

Senate bill No. 200, entitled "An act to amend article 3597 of the Revised Civil Statutes of the State of Texas," and

House bill No. 157, a bill to be entitled "An act to repeal articles 390a and 4390c, of chapter 13, of the general laws of the special session of the Eighteenth Legislature."

W. M. IMBODEN,
Chief Clerk House of Representatives.

Senator Armistead concluded his argument, and

Senator Atlee arose and stated that he would yield for the regular order of business with the understanding that he have the floor to-morrow morning.

On motion of Senator McDonald,

The pending business was postponed until to-morrow morning.

By leave, Senator Jarvis sent up the following committee report:

COMMITTEE ROOM,
AUSTIN, March 5, 1889.

Hon. T. B. Wheeler, President of the Senate;

Your Committee on Finance, to whom was referred

Senate bill No. 326, entitled "An act for the relief of Whitfield Chalk, a Mier prisoner, and making an appropriation of nine hundred and seventy dollars to pay him in full of all claims as such,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

JARVIS,
Chairman.

Bill read first time.

By leave Senator Davis sent up a Petition signed by the county officers of Leon county and other citizens, opposing a railroad commission.

Referred to Committee on Internal Improvements.

The President referred

Substitute House bill No. 179 and House bill No. 157, to the Committee on Public Roads and Bridges.

Senate bill No. 208, a bill to be entitled "An act to require all railroad companies to keep and maintain permanently their general offices within the State of Texas, at certain places, and to keep all books, accounts, etc., at said offices, and to provide penalties for failing to comply therewith,"

Was laid before the Senate, and

Read the third time.

Senator Kimbrough spoke in opposition to the bill.

Senator Pope spoke in favor of it.

Senator Stephens moved to amend by adding the following:

"Provided, that nothing contained in this act shall apply to any city or town which is now litigating its rights to have in such city any such offices or machine shops."

The amendment was lost by the following vote:

YEAS—4.

Glasscock,	Simkins,
Kimbrough,	Stephens.

NAYS—17.

Allen,	Claiborne,
Burges,	Field,

Finley,
Frank,
Harrison,
Ingram,
Jarvis,
Johnson,
Lane,

Maetze,
Morris,
Pope,
Seale,
Upshaw,
Woodward.

ABSENT—8.

Armistead,
Atlee,
Burney,
Cranford,

Davis,
McDonald,
Townsend,
Tyler.

Senator Morris moved to Amend section 2 by adding thereto the following:

"Provided that this act shall apply to railroads in the hands of receivers; and provided further that such receivers shall not be compelled to have their domicile at the place where such general offices are located."

Adopted by the following vote:

YEAS—22.

Allen,
Atlee,
Burgess,
Burney,
Claiborne,
Davis,
Field,
Finley,
Frank,
Glasscock,
Harrison,

Ingram,
Jarvis,
Johnson,
Lane,
Maetze,
McDonald,
Morris,
Pope,
Seale,
Upshaw,
Woodward.

NAYS—3.

Kimbrough,
Simkins,

Stephens.

ABSENT—4.

Armistead,
Cranford,

Townsend,
Tyler.

Senator Kimbrough moved a call of the Senate.

Lost.

The bill passed by the following vote:

YEAS—22.

Allen,
Atlee,
Burgess,
Burney,
Claiborne,
Davis,
Field,
Frank,
Harrison,
Ingram,
Jarvis,

Johnson,
Kimbrough,
Lane,
Maetze,
McDonald,
Morris,
Pope,
Seale,
Stephens,
Upshaw,
Woodward.

NAYS—2.

Finley,

Simkins.

ABSENT—5.

Armistead,
Cranford,
Glasscock,

Townsend,
Tyler.

Senator Kimbrough sent up the following reason for voting "yea" on the bill:

I vote "I" on Senate bill No. 208 for the purpose of entering a motion to reconsider. I believe the offices of all railroad companies in Texas should be kept in the State, but the Legislature should not meddle with lawsuits now pending in the courts.

Senator Pope moved to reconsider the vote just taken, and to lay that motion on the table.

The motion to reconsider was tabled by the following vote:

YEAS—19.

Atlee,
Burges,
Burney,
Claiborne,
Davis,
Field,
Frank,
Harrison,
Ingram,
Jarvis,

Johnson,
Lane,
Maetze,
McDonald,
Morris,
Pope,
Seale,
Upshaw,
Woodward.

NAYS—6

Allen,
Finley,
Glasscock,

Kimbrough,
Simkins,
Stephens.

ABSENT—4.

Armistead,
Cranford,

Townsend,
Tyler.

Senator Harrison offered the following resolution:

Resolved, That the Senate debate on the railway commission bill be printed in the Senate Journal and that each Senator be requested to furnish the Journal Clerk with a copy of his remarks upon the bill.

Senator Harrison offered the following amendment:

The speeches to be printed consecutively in the order of delivery and to appear as an appendix to the Senate Journal; and,

Resolved further, that three thousand one hundred copies of such appendix, in addition to the number now taken by the Senate, be printed and paid for out of the contingent fund of the Senate.

The amendment was adopted and Senator Harrison withdrew his resolution as amended for the present.

Senator Pope offered the following resolution:

Resolved, That the testimony taken before the Committee on Internal Improvements during the consideration of Senate bill No. 5 be printed for the use of the Senate.

Withdrawn.

The President appointed as a conference committee on

Senate substitute for House bill No. 33, a bill to be entitled "An act to add articles 689 and 689a to chapter 3, title 17 of the Penal Code of the State of Texas,"

Senators Field, Stephens and Tyler. Senate bill No. 24, a bill to be entitled "An act to extend the time within which lands that have been sold for taxes and bought in by the State may be redeemed," was laid before the Senate with House amendments.

On motion of Senator Stephens, the Senate concurred in the House amendments.

Senate bill 402, a bill to be entitled "An act to amend article 4434, title 87, chapter 5 of the Revised Civil Statutes of the State of Texas,"

Was laid before the Senate with House amendments.

On motion of Senator Field,

The Senate concurred in the House amendments.

Senator Morris moved to suspend the regular order of business and take up Senate bill No. 2.

A bill to be entitled an act to provide for revising, digesting and publishing the laws, civil and criminal, of the State of Texas.

Adopted by the following vote:

YEAS—21.

Allen,
Atlee,
Burges,
Burney,
Claiborne,
Davis,
Field,
Finley,
Glasscock,
Ingram,
Johnson,

Kimbrough,
Lane,
Maetze,
Morris,
Pope,
Seale,
Simkins,
Stevens,
Upshaw,
Woodward.

NAYS—6.

Cranford, Jarvis,
Frank, McDonald.
Harrison, Tyler.

ABSENT—2.

Armistead, Townsend.

On motion of Senator Claiborne,
The Senate adjourned till 10 o'clock
to-morrow morning.

 FORTY-SEVENTH DAY.

SENATE CHAMBER,
AUSTIN March 6, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Upshaw,
The reading of the Journal of yesterday was dispensed with.

On motion of Senator Pope,
The dispatch purporting to have been sent from Washington and signed by a friend of Texas, was expunged from the Journal of March 4.

On motion of Senator Harrison the Journal of yesterday was corrected, to show that the amendment to his resolution, in regard to printing the speeches on the railway commission bill, was offered by himself, and not by Senator McDonald.

Journal corrected.

PETITIONS AND MEMORIALS.

By Senator Stephens:

Petition of citizens of Randall county, requesting a reduction of the price of school land.

Referred to Committee on Public Lands.

By Senator Kimbrough:

Petition of sixty-two merchants and citizens of Garland, Dallas county, favoring a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Upshaw:

Petition of seventy-five citizens of Hill county, opposing a railroad commission.

Referred to the Committee on Internal Improvements.

By Senator Armistead:

Petition of sixty-three citizens of Morris county, for fixing maximum rates on each class of freight.

Referred to Committee on Internal Improvements.

Petition of the citizens of Bowie countys for fixing the maximum rate on each class of freight, etc.

Referred to Committee on Internal Improvements.

By Senator Atlee:

Petition of citizens of Starr county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Burges:

Petition of citizens of Blanco county, opposing a railroad commission, the repeal of occupation tax, and the issuance of bonds to improve the public roads.

Referred to Committee on Internal Improvements.

Petition of citizens of Llano county, asking that the jurisdiction of the courts in misdemeanor cases remain as at present.

Referred to Judiciary Committee No. 2.

By Senator Lane:

Two petitions of citizens of Elgin, Bastrop county, and one petition of citizens of Bastrop county, favoring a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Seale:

Petition of thirty-four citizens of Woodville, Tyler county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

Memorial of citizens of Hardin county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Lane:

Petition of citizens of Flatonia, asking that the Legislature fix a maximum rate of freight charges, etc.

Referred to Committee on Internal Improvements.

By Senator Burney:

Petition of citizens of Tom Green county, opposing a railroad commission.

Referred to Committee on Internal Improvements.